

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 5, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, Seng; Joan Ross, City Clerk; ABSENT: McRoy.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

SENG Having been appointed to read the minutes of the City Council proceedings of Jan. 22, 2001, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ANNUAL MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely: One of the great pleasures of this office is the opportunity every month to join you to name an employee of the month. Today, however, is very special because we get to select the Annual Award Winner & I'm pleased to announce its Mario Robinson. Officer Robinson's with our Police Dept., did an outstanding job for us. Officer Robinson is a 6 yr. veteran in the Lincoln Police Dept. He received the April Mayor's Award of Excellence for his involvement in a March bank robbery involving a rural Greenwood couple. Let me refresh your memories, March 14th of last year, Officer Robinson became involved in the investigation of a bank robber at Capitol Beach & W. "O" St. This robbery appeared similar to another bank robbery less than a week earlier which had also occurred in Lincoln. In this case, the suspects would steal a vehicle to use in the robbery. Following the robbery, the suspects would use another vehicle & drive the interstate to Omaha. Assuming the suspects would follow this pattern again, Officer Robinson wisely positioned himself to help in a possible interception. A sheriff's deputy spotted the suspects vehicle. After pursuit in which the suspects left the roadway & drove through a corn field, Officers learned of a shooting at a rural Greenwood residence. Officer Robinson was one of the first police officers at the scene. Once 911 dispatchers informed the officers they were no longer in contact with the injured couple in the house, Officer Robinson made the decision to gain entry. Upon locating the couple, Officer Robinson quickly assessed & began treating the gun shot wounds of Mr. Debrie & gave instructions to another officer for treatment of Mrs. Debrie. Upon the arrival of Greenwood Rescue Team, Officer Robinson was able to report the couple's condition & extent of injuries allowing the rescue team to administer first aid more quickly & efficiently. Following the incident, Mario's supervisor, Sgt. Sandra Meyers, had this to say about his performance, "Officer Robinson has extensive training in emergency medical techniques & this training along with his law enforcement skills & calming demeanor saved these two peoples lives. Officer Robinson did not hesitate to take over the situation once he arrived & his judgment & life saving skills were invaluable on this occasion." Members of the Greenwood Rescue Team later called to thank Officer Robinson for his excellent work & said that he handled the situation in an extremely efficient manner making their job much easier. It was their opinion that Officer Robinson's actions were definitely life saving for the injured couple. I understand Mr. & Mrs. Debrie were invited to attend today but I don't believe they were able to attend. But I'm sure they would join me inviting everyone here today to help me to congratulate Officer Mario Robinson for his outstanding performance under these dangerous & emotionally charged conditions, our employee of the year. On behalf of a grateful City, we appreciate all you've done & your great service to Lincoln.

Officer Mario Robinson, LPD: Like to say thank you. Obviously, I couldn't have done this alone. Sgt. Wrighton(?) as well as Officer Mitch Evans were there with me & I think they deserve this as much as I do. And obviously, the true heroes are the Debrie's 'cause they're the one's that survived this incident. Thank you.

PUBLIC HEARING

MAN. APP. OF TREVOR J. BRANDENBURGH FOR B.V.R., INC. DBA CLUB CHAOS AT 1600 "O" ST. - Trevor J. Brandenburg, applicant, 4142 St. Paul Ave., took oath & came forward to answer any questions.

Cindy Johnson, Council Member: I have to ask you about a couple violations I found on your record. Could you talk to me a little bit about them?

Mr. Brandenburg: Sure, no problem. What one?

Ms. Johnson: Let's start with the DWI.

Mr. Brandenburg: That occurred about a month after my mom passed away. Some of my friends told me I stayed home too much & I needed to go out & have fun. They took me out, had a good time, took me home, next morning I went to work & I drive semi for a living or I use to. Got pulled over for a standard weight check from the State Patrol & ended up blowing over .04, I believe it was. I was under legal limit for regular car but over limit for a commercial vehicle.

Ms. Johnson: And what were you sentenced? Do you have probation?

Mr. Brandenburg: I actually do not recall. I believe there was.

Ms. Johnson: Thank you.

Mr. Brandenburg: Any questions I can answer for you?

Jerry Shoecraft, Council Chair: Jeff for Officer Fosler, I think he does.

Jeff Fortenberry, Council Member: In view of the citations that we have here before us, is the applicant qualified for manager's license for this facility?

Officer Russ Fosler, LPD: I found no other areas of concern other than the citations that were noted on your particular report.

Mr. Fortenberry: Thank you.

This matter was taken under advisement.

MAN. APP. OF APRIL DYAS FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 2529 NW 12TH ST. - April Dyas, 814 S. 14th St., took oath & came forward to answer any questions.

This matter was taken under advisement.

APPROVING AN AGRMT. BETWEEN THE CITY & AT&T WIRELESS PCS, L.L.C. FOR THE LEASE OF SPACE FOR THE INSTALLATION & OPERATION OF TELECOMMUNICATIONS ANTENNA & ASSOCIATED GROUND SPACE ON THE 911 TOWER ON PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. - CLERK noted that there was a request for Bill 01-11 to have 3rd Reading on this date.

Coleen Seng, Council Member: So move.

Ms. Johnson: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

CHANGE OF ZONE 3296 - APP. OF THE DIRECTOR OF URBAN DEVELOPMENT FOR A CHANGE FROM R-6 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N. 27TH & S STS. - Wynn Hjermsstad, Urban Development: This is just another step in redevelopment of this property which was already approved in the redevelopment plan. I'm just here to answer any questions if you have any.

Jonathan Cook, Council Member: Since this is being rezoned to B-3 & B-3 is the ugliest commercial district possible to zone something, what kind of protections are there for the future if this land is sold, it's redeveloped 10 yrs. from now, 20 yrs. from now? It has this zoning in place. Are there covenants in place that protect us from the worst parts of the B-3 or...

Ms. Hjermsstad: There will be covenants that protect us as far as uses that could go in there & I don't remember what they all are now but...& that's part of the redevelopment agreement that we're working on. No adult bookstores, no liquor stores, I can't remember what else but those types of businesses won't be allowed to be there. As far as the actual design, for this development in the redevelopment agreement, we are addressing that on how it looks. For in the future, there won't be anything tied just to this specific property but we are working on design standards for all of N. 27th or our N. 27th St. from "O" to about Leighton. So, we are working on design standards that would then protect it in the future but, as far as right now, here, today, there aren't any.

Mr. Cook: What about just setback issues? Can those be addressed, setback, landscaping? Because B-3 allows buildings right up to the property line.

Ms. Hjermstad: Well, again, in this particular development, we are doing that through the redevelopment agreement. And then as far as future agreements that will be addressed in the design standards. Those are two things that we are looking at in the design standards.

Mr. Cook: So, the redevelopment agreement functions as a covenant for any future owners of this property so that 20 yrs. from now somebody couldn't tear down one of your buildings. They might design it to some new design standard that you put in place but would they have too...how close could they be to the street, that kind of thing?

Ms. Hjermstad: That's what the design standards will address.

Mr. Cook: All be addressed in the design standards?

Ms. Hjermstad: Yes. And, again, that's separate from this project though. That's something that we're doing separately that the N. 27th St. Business & Civic Assoc. that was a real high priority to them when we did the N. 27th St. Redevelopment Plan. So, that's being done separately. But it will affect this property.

Mr. Cook: So, the design standards are sort of an overlay. They aren't a set of restrictions that are independent of whoever the property owners are as opposed to covenants which would just be for that particular property.

Ms. Hjermstad: Exactly.

This matter was taken under advisement.

AUTHORIZING A TRANSFER OF APPROPRIATIONS WITHIN THE SANITARY SEWER CONSTRUCTION FUND & THE WATER CONSTRUCTION FUND IN THE AMT. OF \$94,889.00 FROM PROJ. 502002 (WW PAINT BOOTH), 700916 (WW ELEC. IMPS MAIN SUBSTATION), 701172 (WW STANDBY GEN NW7TH & OAK CREEK), & 700359 (SELECTED REPL.) TO PROJ. 502390 (WW CONTROLS-IMPR. & REPLACEMENT); & IN THE AMOUNT OF \$172,008.00 FROM PROJ. 506213 (54" TRANSMISSION MAIN FROM ASHLAND TO 7TH & VINE STS. RESERVOIR) & 701024 (WELL REPLACEMENTS AT ASHLAND) TO PROJ. 701283 (WATER TRANSMISSION PUMP STATION REPLACEMENT), 500480 (WATER TREATMENT PLANT EXPANSION REHABILITATION), 700311 (WATER DATA LINK TO ASHLAND), 700844 (DIESEL SYSTEM MODIFICATIONS & CLEANUP), 700941 (WATER CONTROL ROOM REMODELING), & 701025 (PVC STORAGE BUILDING) - CLERK noted that there was a request for Bill 01-11 to have 3rd Reading on this date.

Coleen Seng, Council Member: So move.

Mr. Cook: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

CREATING PAVING UNIT 134 IN 73RD ST. FROM CUMING ST. TO THURSTON AVE. - Cheryl Teslow, 4949 N. 73rd St.: I'm the one that started this actually with a letter back in Dec. of '99 trying to get this street paved. And we came before the City Council, I think in May of 2000, & after that did the petition process. Fifty percent of us signed. There's four houses potential to sign. The third one is a HUD house so it doesn't get a vote & the fourth one nobody's...we haven't heard from. And so, I think in December, I wrote another letter asking for Gap Paving Unit. And I really would like this...the gravel street causes all the usual problems of dust on kids revving up their cars & skidding out on the gravel & the dust in the house causing the expected damage to furniture & electronics. There's water puddles out there which adds to mosquitoes. The neighbor across the street ends up, every time it rains, getting stuck in her driveway. It causes gravel up in our yard, having a hard time keeping a decent lawn. Just kind of all the, I guess, usual problems. And all those streets...it would be gap paving. All the surrounding streets are paved. So, I'm just asking for gap paving.

Dan Benesh, 7244 Thurston: I'm here in support of them also. I would like to know if the cost is going to be assessed against the property what approximately that cost would be before it's done if it is assessed to partial of me. But other than that, I am in support & everything she said I'm in support of.

Mr. Shoecraft: Possibly Roger could answer your question in regards to the cost.

Roger Figard, Public Works: Two things. The cost would be assessed against the property. We did submit a motion to amend requesting that this district be created as part of the special low-income housing program

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so those people that would be eligible & would qualify would do that. So, would ask that you would include that. I think the estimate was \$5,500 on the front lot. Any other questions?

Jeff Fortenberry, Council Member: Why don't you give the figure that that would result, the amortized figure on a yearly basis.

Mr. Figard: Okay. I don't...I have that number. I can share that with the property owner separately if you would like.

Cindy Johnson, Council Member: Roger, just for the information, when a Housing Authority's house is on something like this, they don't pay for their part of the paving, correct?

Mr. Figard: That's correct.

Ms. Johnson: So, what happens to the balance of that? Do their neighbors have to pay that? Does the City pay that? How does that work?

Mr. Figard: That's subsidized by the City & paid off separately so the other abutting properties don't have to unfairly share or absorb that cost.

Coleen Seng, Council Member: Well, I'd like to move the amendment that Roger had passed out to us before. It really enables CDBG dollars to be used.

Ms. Johnson: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

AMENDING VAN DORN MEADOWS 1ST COMMUNITY UNIT PLAN TO ALLOW 448 DWELLING UNITS TO BE CONSTRUCTED ON PROPERTY GENERALLY LOCATED AT 72ND & VAN DORN STS. - Peter Katt, 530 S. 13th St., Suite B, appearing on behalf of the applicant: The applicant is here as well, Mr. Stefan Gaspar. This is a simple correction to clarify a typographical error that went in there & one of the problems was it wasn't caught until too late to do it through a nunc-pro-tunc type correction. We're here to answer any questions if you might have them.

This matter was taken under advisement.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR EXTENSION OF IMPROVEMENTS TO THE CITY'S STORM SEWER & DRAINAGE SYSTEM AT THE APRIL 3, 2001 CITY PRIMARY ELECTION - Roger Figard, Public Works: We'll just take a minute or so for those in the audience listening & for those who are at home listening, the item that's before the Council today is asking for the authority to put a bond issue on the General Election this spring that would allow the construction of new, rehabilitation of some of the old & repair of part of the existing storm sewer system in the built environment of the City. Typically, over the years, since the late 60's, the City has funded its storm water runoff & storm sewer projects through the issuance of bonds reimbursed or paid back by property tax process. There are no other separate regular revenues or fees that come in. In the late 60's, the City's completed a series of design standards that suggested how we ought to collect storm water, get it off the streets & reduce flooding. Those standards are being applied across the older parts of the neighborhood & over the years we have built many of these projects. It's time to continue to chip away at building the rest of those projects & continue to improve the storm sewer runoff in part of the older town. I have a map on the Elmo that shows if these are the outer limits of the City, most of these projects Projects 6 thru 15, you can see they are in the center or the older part of town. Those are the parts of town that really don't have new storm sewer systems like the new parts of town, the new subdivisions that are growing on the edge where the storm sewer is put in along with the new infrastructure. To date, the citizens of Lincoln, historically, have always approved & supported one another in trying to provide for that kind of storm sewer infrastructure in the past. So, that is an overview of why we're doing that. There isn't a separate funding source. And we would be asking the voters for their permission to continue that program. And Don Herz is here with just a couple of comments about the funding as its applicable to the bond issue & repayment.

Don Herz, Finance Director: The plan is to finance the storm sewer projects using tax exempt bonds upon approval by the voters. We will be able to begin construction of some of these projects yet this year after that would be approved. The bonds that we will issue will be structured so that the City will not begin making their debt service payments until the projects are substantially completed. Which we expect to be toward the end of calendar year 2002. We will begin making debt service payments then in that following year. The timing is such that the downtown development bonds will be paid off prior to our beginning paying for the

new storm sewer bonds. The result is that we expect the amount of property taxes required to pay debt service will not increase as a result of that structure. And I also have an overhead. The first column shows what our current debt service is for all of our general obligation debt. The second column shows the timing of the additional debt service for the storm sewers & this is in terms of the property tax on a typical \$100,000 house. So, currently, it's approx. \$63.00 &, as you can see, in the column highlighted in yellow, that portion of property taxes will not increase from what it is this year based upon the timing of the payouts. If there's any questions, glad to answer them.

Jeff Fortenberry, Council Member: Don, thank you for your work on this. I think it's been an ongoing concern, as you're aware, that given the pending budget difficulties that may be forthcoming with the City's regular budget, a bond issue at this point might be overburdensome for taxpaying families & this mechanism allowing us to get a head start on the projects but allow repayment so that it coincides with the expiration of past bond issues, obviously, decreases that burden but allows the project to move forward. So, I just wanted to thank you for your creativity in that regard & appreciate the work.

Danny Walker, 427 E St.: I just want some assurances that this isn't kind of a slide in, sneaky deal in regards to a relationship maybe of tying in this special assessment fee that our esteemed infrastructure finance study team is going to recommend. Could I get an answer on that like today or now?

Mr. Figard: Danny, this is very consistent. Approximately every two years & depending on the other bond issues needs in the community, we have stretched four years but we've been funding storm sewer this way since the late 60's & early 70's. And this is just a continuation of that program. That's not to say that infrastructure financing committee & the community can't make some decisions to do something different in the future. But this is a continuation of building storm sewer & fixing storm sewer in the old part of town just as we've been doing.

Mr. Walker: Okay, then actually, the answer is no, that that doesn't have...that this item right here on the Agenda today doesn't have anything to do with the infrastructure finance.

Mr. Figard: That's correct. It has nothing to do with infrastructure financing.

Clerk: We do have a substitute resolution that was introduced by Camp if you wish to act on that now, to accept that.

Jon Camp, Council Member: So moved.

Coleen Seng, Council Member: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

Clerk: We also have a motion to amend if you wish to act on that now or during voting session.

Ms. Seng: So move. This amendment is to get the date to the General Election date not the primary.

Clerk: Correct.

Cindy Johnson, Council Member: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY & THE U.S. DEPT. OF VETERANS AFFAIRS FOR THE PROVISION OF AMBULANCE SERVICE FOR THE LINCOLN DIVISION OF THE DEPT. OF VETERANS AFFAIRS NEBRASKA WESTERN IOWA HEALTH CARE SYSTEM FOR THE PERIOD OF JAN. 1 THROUGH SEPT. 30, 2001, WITH OPTIONS TO EXTEND TO A DATE NO LATER THAN MARCH 30, 2002 - Danny Walker, 427 E St.: I am a disabled vet. Have utilized ambulance service. The question I have & I'm sure that Mike can probably answer it. There is an exclusive contract between the Vets & Bryan East & Bryan West. Now, what is going to happen with this body shuffle that's currently going on between the three hospitals? I'd like answer on that.

Mike Spadt, Fire Chief: It's my understanding that anybody that's transported to the hospital via ambulance is subject to the diversion of rotation policy regardless of whether it's a Veterans Administration, you have insurance that isn't provided for at St. Elizabeth's. We have to adhere to the diversion protocol as it stands today.

Jerry Shoecraft, Council Chair: Set by?

Chief Spadt: It was created by the hospitals, EMS Inc. & Rural Metro at the time some years ago, about 5 yrs. ago.

Mr. Walker: In essence, that still doesn't answer my question. I want to know what's going to happen if they pick me up in an ambulance &

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just so happens to be St. Elizabeth's turn. What happens to those provisions the VA has signed with Bryan East & West? That's what I want to know, Jerry.

Mr. Shoecraft: That they what now again?

Mr. Walker: I want to know what happens to the agreement that the VA has signed with Bryan East & West as far as veterans care in an independent facility if this rotation is in process & I get transported to St. Elizabeth.

Chief Spadt: It's my understanding they'd have to adhere to the diversion of rotation policy. Upon those special circumstances, I can make a request to the emergency room physician that day, plead my case if you will, to see if we can make exceptions to the diversion of the rotation. If not, then it's my understanding that administration from the hospital & the administration from the Veterans Office will work this out.

Mr. Walker: Okay, fine, thank you.

This matter was taken under advisement.

ORDINANCES - 3RD READING

APPROVING AN AGRMT. BETWEEN THE CITY & AT&T WIRELESS, PCS, L.L.C. FOR THE LEASE OF SPACE FOR THE INSTALLATION & OPERATION OF TELECOMMUNICATIONS ANTENNA & ASSOCIATED GROUND SPACE ON THE 911 TOWER ON PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. - CLERK read an ordinance, introduced by Coleen Seng, whereas, the City of Lincoln, desires to lease space on its 911 tower, generally located at 14th & Military Rd., to AT&T Wireless PCS, LLC, a Delaware limited liability company (hereinafter "AT&T") for telecommunication uses on the tower & associated ground space, the third time.

SENG Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy. The ordinance, being numbered **17784**, is recorded in Ordinance Book 24, Page

AUTHORIZING A TRANSFER OF APPROPRIATIONS WITHIN THE SANITARY SEWER CONSTRUCTION FUND & THE WATER CONSTRUCTION FUND IN THE AMOUNT OF \$94,889.00 FROM PROJ. 502002 (WW PAINT BOOTH), 700916 (WW ELEC. IMPS MAIN SUBSTATION), 701172 (WW STANDBY GEN NW7TH & OAK CREEK), & 700359 (SELECTED REPL.) TO PROJ. 502390 (WW CONTROLS-IMPR. & REPLACEMENT); & IN THE AMOUNT OF \$172,008.00 FROM PROJ. 506213 (54" TRANSMISSION MAIN FROM ASHLAND TO 7TH & VINE STS. RESERVOIR) & 701024 (WELL REPLACEMENTS AT ASHLAND) TO PROJ. 701283 (WATER TRANSMISSION PUMP STATION REPLACEMENT), 500480 (WATER TREATMENT PLANT EXPANSION REHABILITATION), 700311 (WATER DATA LINK TO ASHLAND), 700844 (DIESEL SYSTEM MODIFICATIONS & CLEANUP), 700941 (WATER CONTROL ROOM REMODELING), & 701025 (PVC STORAGE BUILDING) - CLERK read an ordinance, introduced by Coleen Seng, approving the transfer of appropriations between certain capital improvement projects within the San. Sewer Construction Fund & the Water Construction Fund, the second time.

SENG Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy. The ordinance, being numbered **17785**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3295 - APP. OF VALENTINO'S FOR A CHANGE FROM R-6 RESIDENTIAL TO B-1 LOCAL BUSINESS ON PROPERTY GENERALLY LOCATED AT N. 35TH & HOLDREGE STS. - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

JOHNSON Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy. The ordinance, being numbered **17786**, is recorded in Ordinance Book 24, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 0.19 ACRES OF PROPERTY GENERALLY LOCATED EAST OF 84TH STREET BETWEEN PIONEERS BLVD. & OLD CHENEY RD. - CLERK read an ordinance, introduced by Annette McRoy, amending section 10 of Ord. 8730, passed May 17, 1965, as last amended by Section 1 of Ord. 17769, passed Dec. 4, 2000, prescribing & defining the corporate limits of the City of Lincoln, Nebraska; & repealing Section 10 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord. 17769, passed Dec. 4, 2000, as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp,

Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.
The ordinance, being numbered **17787**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3294 - APP. OF D&D DEVELOPMENT, INC. FOR A CHANGE FROM R-3 RESIDENTIAL TO AG AGRICULTURAL, & FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF 84TH ST. BETWEEN PIONEERS BLVD. & OLD CHENEY RD. - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered **17788**, is recorded in Ordinance Book 24, Page

AMENDING SECTION 2.76.155 & 2.76.395 OF THE LMC TO ALLOW SPECIFIED PART-TIME EMPLOYEES TO RECEIVE LONGEVITY PAY, REVISING THE VACATION EARNINGS SCHEDULE OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M", & CLARIFYING PROVISIONS REGARDING WAIVING VACATION & VACATION PAYOUT - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 2.76 of the LMC relating to the City's personnel system by amending Sec. 2.76.155 to allow specified part-time employees to receive longevity pay; amending Section 2.76.395 to establish a procedure for the payout of a vacation bank, to clarify language regarding waived vacation, to revise the vacation earnings schedule for employees with a pay range prefixed by "M" & to allow those employees to use vacation during the third six months of employment; & repealing Secs. 2.76.155 & 2.76.395 of the LMC as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered **17789**, is recorded in Ordinance Book 24, Page

AMENDING ORD. 17707 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATION OF "INTERNET SUPPORT SPECIALIST" & DELETING THE JOB CLASSIFICATIONS OF "TRAFFIC SIGNAL SERVICE WORKER," "SIGN PAINTER I," "SIGN PAINTER II," & "PARKING METER REPAIR WORKER" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ord. 17707 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classification of "Internet Support Specialist" & deleting the job classifications of "Traffic Signal Service Worker," "Sign Painter I," "Sign Painter II", & "Parking Meter Repair Worker", the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered **17790**, is recorded in Ordinance Book 24, Page

AMENDING ORD. 17705 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY DELETING THE JOB CLASSIFICATIONS OF "TRAFFIC MAINTENANCE SUPERVISOR," "TRAFFIC ENGINEER I," & "TRAFFIC ENGINEER II"; & RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" BY DELETING THE JOB CLASSIFICATIONS OF "TRAFFIC SIGNAL TECHNICIAN I" & "TRAFFIC SIGNAL TECHNICIAN II" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classifications of "Traffic Maintenance Supervisor", "Traffic Engineer I" & "Traffic Engineer II" & amending Section 3 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by deleting the job classifications of "Traffic Signal Technician I" & "Traffic Signal Technician II", the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered **17791**, is recorded in Ordinance Book 24, Page

AUTHORIZING THE EXECUTION & DELIVERY OF THE LEASE-PURCHASE & TRUST AGRMT. WITH UNION BANK & TRUST CO., LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$1,450,000 FOR THE ACQUISITION BY THE CITY OF AMBULANCES & RELATED LIFE & SAFETY EQUIPMENT FOR THE CITY'S FIRE DEPT. & A CLIENT INFORMATION SYSTEM

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FOR THE DEPT. OF HEALTH - CLERK read an ordinance, introduced by Annette McRoy, authorizing the execution & delivery of the Lease-Purchase & Trust Agrmt. with Union Bank & Trust Co., Lincoln, Nebraska, in an amount not to exceed \$1,450,000 for the acquisition by the City of ambulances & related life & safety equipment for the City's Fire Dept. & a client information system for the Dept. of Health, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered **17792**, is recorded in Ordinance Book 24, Page

PETITIONS & COMMUNICATIONS

FORMAL PAVING PETITION FOR ALLEY PAVING DIST. 359 SUBMITTED BY C. GLENN YURTH & SHIRLEY A. YURTH - CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JAN. 22, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80678 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 01/12/01)

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80679 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 01/19/01)

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80680 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 01/26/01)

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED DEC. 31, 2000 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80681 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 30, 2000, \$305,968.90 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund & allocating a portion of the interest on the ratio that such balance bears tot the total of all fund balances.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **Oct.-Dec., 2000:** AmeriVision, Claricom, Opex, Matrix, Zenex, Touch 1 Comms., PNG Telecomms.; **Nov., 2000:** ATS Mobile Telephone; **Dec., 2000:** Utilicorp United, Zone Tele-com., Long Distance of Michigan, Assn. Adm., I-Link, Big Planet, Nextel West, Globalcom, Asian Am. Assn., RSL Com USA, GTC, Nextlink, Light-year, INCOMNET, Tri-M, NOSVA Ltd., Glyphics, ATT Wireless PCS, Teligent, Cincinnati Bell(Final), Phoenix Network, LCI Int'l, Affinity Network, Int'l. Exchange, NOS, LDM Systems(Final), GST NET, Equality, Trans Nat'l, Working Assets, Qwest, Viatel, Premiere, Primus, EqualNet, TracFone, McLeod USA Telecomms., Airtime SMR, Nebraska Technology & Tele-comms., AT&T Comms. of the Midwest, Telco Development Group, Sprint Spectrum, Lincoln Celtelco, Comdata Telecomms., Operator Comms., D&D Comms., ATS Mobile Telephone, Touch American Services, USA Paging, Atlas Comms., Sprint Communication, Nextel, IBM Global Services, AS Telecomms., Broadwing Telecomms., Intellicall Operator Services, The Furst Group, Verizon Select Services, Excel Telecomms., Coast International, Aliant Comms. dba Alltel, Aliant Cellular dba Alltel - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MON., FEB. 26, 2001 AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 01-19 To provide the authority to create a Water Dist. to construct a 6" water main - Saylor, St., 57th to 58th Sts.
01-20 To provide the authority to create an Alley Paving Dist. - North/South alley, Worthington Ave. to 20th St.; South St. north approx. 300'.

CLERK Requested a motion to set the hearing date for Mon., Feb. 26, 2001 at 5:30 p.m.

SENG So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

REPORT FROM CITY TREASURER OF 911 SURCHARGE REMITTANCE FROM ALIANT COMMS. CO. DBA ALLTEL FOR THE QUARTER ENDING DEC. 31, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF FRANCHISE FEES DUE FOR THE QUARTER ENDING DEC. 31, 2000 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JAN., 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CREATING PAVING UNIT 134 IN 73RD ST. FROM CUMING ST. TO THURSTON AVE. - PRIOR to reading:

SENG Moved to amend Bill 01R-13 as follows: On page 1, line 18, change the period to a semi-colon & add the following language: "provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income."

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80667 WHEREAS, the City of Lincoln, Nebraska, is authorized under *Neb. Rev. Stat. §18-2001, et seq.*, to pave a portion of a street otherwise paved so as to make one continuous paved street and to do so without petition or creating a street improvement district; and

WHEREAS, a portion of 73rd Street is unpaved and should be paved to make one such continuous paved street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln Nebraska:

That 73rd Street from the south curb line of Cuming Street to the north curb line of Thurston Street is hereby designated as Paving Unit No. 134 and is hereby ordered paved.

The roadway to be paved shall be 27 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate

benefitted, to-wit: Lots 2 thru 7, Block 41, Lots 1, 2, 3, 10, 11, 12 Block 40, all located in the First Addition to Norwood Park all located in the Southwest Quarter of Section 3, Township 10 North, Range 7 East of the Sixth Principle Meridian, in the City of Lincoln, Lancaster County Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof; provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JAN. 1-15, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80671 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated January 15, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Sandra Stodola	NAS*	Mill Towne Condominium	
NECO Alarm Services	\$ 45.00	Assoc.	\$5,500.00
Evan J. Trofholz	93.50	Roland & Charleen Leavitt	-
Benjamin P. Smith	50.00		Resolved by Public Works
Alice Wilson	150,000.00	Kelly Hillert	191.43
Brandon Schroeder	1,336.34	Benjamin P. Smith	50.00
Jon L. Johnson	105.00		

*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Cindy Johnson

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

OTHER RESOLUTIONS

MAN. APP. OF TREVOR J. BRANDENBURGH FOR B.V.R., INC. DBA CLUB CHAOS AT 1600 "O" ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80664 WHEREAS, B.V.R., Inc. dba "Club Chaos" located at 1600 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Trevor J. Brandenburg be named manager;

WHEREAS, Trevor J. Brandenburg appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Trevor J. Brandenburg be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Johnson, Seng, Shoecraft; NAYS: Fortenberry; ABSENT: McRoy.

MAN. APP. OF APRIL DYAS FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVEN-IENCE SHOP AT 2529 NW 12TH ST. - CLERK read the following resolution, introduced by

Cindy Johnson, who moved its adoption for approval:

A-80665 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 2529 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that April Dyas be named manager;

WHEREAS, April Dyas appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that April Dyas be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF WIND CHIMES INC. DBA WIND CHIMES TO EXPAND ITS CLASS I LIQUOR LICENSE BY AN AREA MEASURING 27' BY 28' IN THE NORTHEAST CORNER AT 3520 VILLAGE DR., SUITE 100 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80666 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Wind Chimes Inc. dba "Wind Chimes" to expand its licensed premises by the addition of an area measuring 27 feet by 28 feet in the northeast corner of the presently licensed premises located at 3520 Village Drive, Suite 100, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY & COUNTY FOR THE PROVISION OF WELLNESS & SAFETY SERVICES TO COUNTY EMPLOYEES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80668 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County for the provision of wellness and safety services to County employees, in accordance with the terms and conditions contained in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one original executed Agreement to the Lancaster County Clerk.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

AMENDING VAN DORN MEADOWS 1ST COMMUNITY UNIT PLAN TO ALLOW 448 DWELLING UNITS TO BE CONSTRUCTED ON PROPERTY GENERALLY LOCATED AT 72ND & VAN DORN STS. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80669 WHEREAS, Resolution No. A-78004 (Bill No. 97R-95), adopted by the City Council on March 24, 1997, approved Chateau Development's application designated as Special Permit No. 1665 for authority to develop Van Dorn Meadows 1st Community Unit Plan consisting of 354 dwelling units; and

WHEREAS, on the date of Chateau Development's application the property in question was zoned R-3 Residential District which only allowed 354 dwelling units to be constructed; and

WHEREAS, Chateau Development desired to construct 448 dwelling units and thus requested a change of zone to re-zone the property from R-3 Residential District to R-4 Residential District in order to accommodate the 448 dwelling units requested; and

WHEREAS, Bill No. 97R-95 was drafted and submitted to the City Council limiting the Special Permit to 354 dwelling units based upon the Planning Staff's recommendation that the Change of Zone to R-4 Residential District be denied; and

WHEREAS, the City Council approved the Change of Zone re-zoning the

REGULAR MEETING

FEB. 5, 2001

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property from R-3 Residential District to R-4 Residential District thus indicating the Council's intent to approve the 448 dwelling units requested by Chateau Development; and

WHEREAS, Chateau Development has discovered that Resolution No. A-78004 is limited to 354 dwelling units rather than 448 dwelling units; and

WHEREAS, Chateau Development has requested that Resolution No. A-78004 be amended to reflect the intent of the City Council to allow Chateau Development to construct the 448 dwelling units.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Resolution No. A-78004 be amended by deleting the number 354 on page 4, line 10, and inserting in lieu thereof the number 448.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING SUPPLEMENTAL AGRMT. NUMBER 1 BETWEEN THE CITY PARKS & REC. DEPT. & THE STATE OF NEBRASKA DEPT. OF ROADS TO EXTEND THE DEADLINE FOR SECURING A CONTRACT TO CONSTRUCT BISON TRAIL TO APRIL 1, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80670 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln Parks and Recreation Department and the State of Nebraska Department of Roads to extend the deadline to be under contract for construction of the Bison Trail to April 1, 2001, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Parks and Recreation Department, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR EXTENSION OF IMPROVEMENTS TO THE CITY'S STORM SEWER & DRAINAGE SYSTEM AT THE APRIL 3, 2001 CITY PRIMARY ELECTION - PRIOR to reading:

CAMP Moved to accept a Substitute Resolution.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

SENG Moved to amend Bill 01R-20 in the following manner:

1. On page 1, delete line 6, which reads "city primary election to be held on Tuesday, April 3, 2001" and insert in lieu thereof the following language: general election to be held on Tuesday, May 1, 2001.

2. On page 2, line 13, delete the words "primary election to be held on April 3, 2001" and insert in lieu thereof the following language: general election to be held on May 1, 2001.

3. On page 2, line 15, delete the words "primary election to be held on April 3, 2001" and insert in lieu thereof the following language: general election to be held on May 1, 2001.

4. On page 2, line 21, delete the words "CITY PRIMARY ELECTION - APRIL 3, 2001" and insert in lieu thereof the following language: GENERAL ELECTION - MAY 1, 2001.

5. On page 3, lines 20 and 21, delete the words "City Primary Election to be held in the City on Tuesday, April 3, 2001" and insert in lieu thereof the following language: General Election to be held in the City on Tuesday, May 1, 2001.

6. On page 3, line 25, delete the words "City Primary" and insert in lieu thereof the word General.

7. On page 4, line 2, delete the words "City Primary" and insert in lieu thereof the work General.

8. On page 4, line 5, delete the words "City Primary" and insert in lieu thereof the work General.

9. On page 4, line 9, delete the words "City Primary" and insert in lieu thereof the work General.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80672 WHEREAS, in order to fund necessary improvements to and extensions of the City of Lincoln's existing storm sewerage and drainage system, it is necessary to issue general obligation bonds and to levy a tax for the payment thereof, and

WHEREAS, it is in the best interests of the City of Lincoln to present the question of the issuance of such bonds and the levying of a tax to pay the same to the electors at the ~~city primary election to be held on Tuesday, April 3, 2001.~~ general election to be held on Tuesday, May 1, 2001.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

1. The Council hereby finds and determines that:
 - a. It is necessary and in the best interests of the City to make improvements to and extensions of its existing storm sewerage and drainage system, which improvements and extensions (the "Improvements") shall include, but shall not necessarily be limited to, some or all of the improvements and extensions generally described in Attachment 1 appended hereto and made a part hereof by reference.
 - b. The estimated cost to the City of completing the Improvements will be not less than Six Million Nine Hundred Forty-Five Thousand Dollars (\$6,945,000), and in order to finance the cost thereof, it will be necessary for the City to issue its general obligation bonds in the principal amount of not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000), such bonds to be dated at the time of their issuance, and to become due and payable on such dates, bear interest at such rates, and to have such other terms as may be fixed by the City at the time of their issuance.
 - c. It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds as the same become due.
 - d. It is in the best interests of the citizens of the City to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at the ~~primary election to be held on April 3, 2001.~~ general election to be held on May 1, 2001.
2. The following proposition shall be submitted to the qualified electors of the City at the ~~primary election to be held on April 3, 2001.~~ general election to be held on May 1, 2001.

(FORM OF BALLOT)

STORM SEWER IMPROVEMENT BOND ISSUE

STATE OF NEBRASKA

CITY OF LINCOLN

OFFICIAL BALLOT

~~CITY PRIMARY ELECTION - APRIL 3, 2001~~ GENERAL ELECTION - MAY 1, 2001

GENERAL OBLIGATION BONDS

"SHALL THE CITY OF LINCOLN, NEBRASKA, ISSUE ITS GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$7,500,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO THE CONSTRUCTION, INSTALLATION AND COMPLETION OF IMPROVEMENTS AND EXTENSIONS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM, SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE; AND

"SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

FOR said General Obligation Bonds and Tax Levy.

AGAINST said General Obligation Bonds and Tax Levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy." Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST said General Obligation Bonds and Tax Levy."

3. The City Clerk shall cause a notice of said election to be given as provided by Article III, Section 1 of the Charter of the City as required by law; and the Mayor be and is hereby directed to proclaim and

give notice that at the ~~City Primary Election to be held in the City on Tuesday, April 3, 2001,~~ General Election to be held in the City on Tuesday, May 1, 2001 there will be submitted to the qualified electors of the City, for adoption or rejection, the general obligation bond authorization question set forth in paragraph 2 hereof; and the City Clerk is further directed to publish said proclamation as provided by law.

4. The said ~~City Primary~~ General Election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska.

5. The City Clerk is further directed to notify the Election Commissioner of Lancaster County of the ~~City Primary~~ General Election and the general obligation bond authorization question set forth in paragraph 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

6. The polling places for said ~~City Primary~~ General Election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, April 3, 2001, and a copy of the general obligation bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

7. Said ~~City Primary~~ General Election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING A CONTRACT BETWEEN THE CITY & THE U.S. DEPT. OF VETERANS AFFAIRS FOR THE PROVISION OF AMBULANCE SERVICE FOR THE LINCOLN DIVISION OF THE DEPT. OF VETERANS AFFAIRS NEBRASKA WESTERN IOWA HEALTH CARE SYSTEM FOR THE PERIOD OF JAN. 1 THROUGH SEPT. 30, 2001, WITH OPTIONS TO EXTEND TO A DATE NO LATER THAN MARCH 30, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80673 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City and the U.S. Dept. of Veterans Affairs for the provision of ambulance service for the Lincoln Division of the Dept. of Veterans Affairs Nebraska Western Iowa Health Care System for the period January 1, 2001 through September 30, 2001, with options to extend to a date no later than March 30, 2002, upon the terms and conditions set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return two executed copies of said Agreement to Connor Reuter, Assistant City Attorney for transmittal to the Veterans Affairs Dept.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPOINTING TERESA JANE MEIER-BROCK AS DEPUTY CITY CLERK OF THE CITY OF LINCOLN, NEBRASKA - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80674 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Teresa Jane Meier-Brock as Deputy City Clerk of the City of Lincoln, Nebraska, is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF ST. PATRICK'S CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM FEB. 2, 2001 THROUGH MARCH 17, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80675 WHEREAS, St. Patrick's Church has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's Church to conduct a raffle in the City of Lincoln in

accordance with the application filed by Karen Francis. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

SETTING HEARING DATE OF FEB. 12, 2001 AT 1:30 P.M. FOR THE MAN. APP. OF JEFFERY D. GOTTBREHT FOR LINCOLN FIREFIGHTERS LOCAL 644 RECEPTION HALL LLC DBA "LINCOLN FIREFIGHTERS LOCAL 644 RECEPTION HALL" LOCATED AT 241 VICTORY LN. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80676 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Feb. 26, 2001, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Jeffery D. Gottbreht for Lincoln Firefighters Local 644 Reception Hall LLC dba Lincoln Firefighters Local 644 Reception Hall at 241 Victory Ln.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

SETTING HEARING DATE OF FEB. 12, 2001 AT 1:30 P.M. FOR THE MAN. APP. OF RENEE K. HILLGREN FOR WHITEHEAD OIL CO. DBA U-STOP CONVENIENCE SHOP LOCATED AT 1421 CENTERPARK RD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80677 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Feb. 26, 2001, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Renee K. Hillgren for Whitehead Oil Co. dba U-Stop Convenience Shop located at 1421 Centerpark Rd.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

ORDINANCES - 1ST & 2ND READING

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER N BY CREATING THE JOB TITLE ANIMAL CONTROL OFFICER II & BY CHANGING THE TITLE OF ANIMAL CONTROL OFFICER TO ANIMAL CONTROL OFFICER I - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17707 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classification of "Animal Control Officer II" & changing the job classification title "Animal Control Officer" to "Animal Control Officer I", the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER M BY CREATING THE JOB TITLE SYSTEM SUPERVISOR, PARKING MANAGER, & PRINCIPAL PLANNER - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 5 of Ord. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "System Supervisor," "Parking Manager," and "Principal Planner", the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS

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PREFIXED BY THE LETTER "C" BY CREATING THE JOB TITLES OF SYSTEM SPECIALIST I, SYSTEM SPECIALIST II, SYSTEM SPECIALIST III, AUDIO VIDEO TECHNICIAN, & CRIME ANALYSIS TECHNICIAN, & BY AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER "A" BY CREATING THE JOB TITLE OF GIS ANALYST - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "GIS Analyst"; and amending Sec. 3 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classifications of "Systems Specialist I," "Systems Specialist II," "Systems Specialist III," "Audio Video Technician," and "Crime Analysis Technician", the first time.

AMENDING SEC. 12.08.270 OF THE LMC TO ALLOW NO MORE THAN SIX SPECIAL DESIGNATED PERMITS PER CALENDAR YEAR TO THE LICENSE HOLDERS AT CITY GOLF COURSES FOR PRIVATE TOURNAMENTS & GOLF EVENTS - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 12.08.270 of the LMC to allow no more than six special designated permits per calendar year to the license holder at City golf courses for private tournaments and golf events; and repealing Sec. 12.08.270 of the LMC as hitherto existing, the first time.

CHANGE OF ZONE 3300 - APP. OF GEORGE & SHAROL SLAMA FOR A CHANGE FROM AG AGRICULTURAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH & W. "O" STS. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

VACATING PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION EAST TO THE WEST LINE OF LOT 6 I.T., GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. - CLERK read an ordinance, introduced by Jon Camp, vacating Pine Lake Rd. from the west line of Lazy Acres Subdivision east to the west line of Lot 6 I.T., generally located west of S. 14th St. & Pine Lake Rd., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN AGRMT. BETWEEN THE CITY & AT&T WIRELESS, PCS, L.L.C. FOR THE LEASE OF SPACE FOR THE INSTALLATION & OPERATION OF TELECOMMUNICATIONS ANTENNA & ASSOCIATED GROUND SPACE ON THE 911 TOWER ON PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. - PRIOR to reading:

SENG Moved to suspend Council Rules for Bill 01-11 to have 3rd Reading on this date.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

CLERK Read an ordinance, introduced by Coleen Seng, whereas, the City of Lincoln, desires to lease space on its 911 tower, generally located at 14th & Military Rd., to AT&T Wireless PCS, LLC, a Delaware limited liability company (hereinafter "AT&T") for telecommunication uses on the tower & associated ground space, the second time. **(See further Council Action under "ORDINANCES - 3RD READING".)**

CHANGE OF ZONE 3296 - APP. OF THE DIRECTOR OF URBAN DEVELOPMENT FOR A CHANGE FROM R-6 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N. 27TH & S STS. - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

AUTHORIZING A TRANSFER OF APPROPRIATIONS WITHIN THE SANITARY SEWER CONSTRUCTION FUND & THE WATER CONSTRUCTION FUND IN THE AMOUNT OF \$94,889.00 FROM PROJ. 502002 (WW PAINT BOOTH), 700916 (WW ELEC. IMPS MAIN SUBSTATION), 701172 (WW STANDBY GEN NW7TH & OAK CREEK), & 700359 (SELECTED REPL.) TO PROJ. 502390 (WW CONTROLS-IMPR. & REPLACEMENT); & IN THE AMOUNT OF \$172,008.00 FROM PROJ. 506213 (54" TRANSMISSION MAIN FROM ASHLAND TO 7TH & VINE STS. RESERVOIR) & 701024 (WELL REPLACEMENTS AT ASHLAND) TO PROJ. 701283 (WATER TRANSMISSION PUMP STATION REPLACEMENT), 500480 (WATER TREATMENT PLANT EXPANSION REHABILITATION), 700311 (WATER DATA LINK TO ASHLAND), 700844 (DIESEL SYSTEM MODIFICATIONS & CLEANUP), 700941 (WATER CONTROL ROOM REMODELING), & 701025 (PVC STORAGE BUILDING) - PRIOR to reading:

SENG Moved to suspend Council Rules for Bill 01-11 to have 3rd Reading on this date.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

CLERK Read an ordinance, introduced by Coleen Seng, approving the transfer of appropriations between certain capital improvement projects within the San. Sewer Construction Fund & the Water Construction Fund, the second time. (*See further Council Action under "ORDINANCES - 3RD READING".*)

MISCELLANEOUS BUSINESS

PENDING LIST -

DECLARING CITY-OWNED PROPERTY LEGALLY DESCRIBED AS THE REMAINING PORTION OF LOTS 226-229, RIDGEVIEW ADD., EXCEPT THE NORTH 10' OF SAID LOTS, GENERALLY LOCATED AT N. 5TH & ADAMS ST., AS SURPLUS & AUTHORIZING THE SALE THEREOF - CLERK requested a motion to remove Bill 98-52 from Pending & to Withdraw it.

SENG So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy. The ordinance, having been **WITHDRAWN**, was assigned the File #38-4352 & was placed on file in the Office of the City Clerk.

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. (IN CONNECTION W/00R-308, 00R-209, 99-93) - CLERK requested a motion to remove Bill 00-209 from Pending for Pub. Hearing on 2/12/01.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

JOHNSON Moved to extend the Pending List for 1 week.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

UPCOMING RESOLUTIONS -

JOHNSON Moved to approve the resolutions to have Public Hearing on Feb. 12, 2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

ADJOURNMENT

2:35 P.M.

JOHNSON Moved to adjourn the City Council Meeting of Feb. 5, 2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS; ABSENT: McRoy.

So ordered.

Joan E. Ross, City Clerk

Teresa J. Meier-Brock, Deputy City Clerk

